

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

JI DONG CHENG, *on behalf of himself and all
others similarly situated*,

Plaintiff,

v.

HSBC BANK USA, N.A.,

Defendant.

Case No.: 1:20-CV-01551-BMC

**DECLARATION OF
MARK S. MELODIA
IN SUPPORT OF
HSBC BANK USA, N.A.'S
LETTER MOTION TO
COMPEL ARBITRATION**

I, Mark S. Melodia, declare under the penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I am an attorney-at-law admitted to practice before the Eastern District of New York, a Partner of the law firm of Holland & Knight LLP, and counsel for Defendant HSBC Bank USA, N.A. ("HSBC") in the above-captioned matter. I submit this declaration in support of HSBC's Letter Motion to Compel Arbitration.

2. Annexed here to as **Exhibit A** is a true and correct copy of Plaintiff Ji Dong Cheng's application to open a Direct Savings Account with HSBC and reflecting Plaintiff's acknowledgment of acceptance and receipt of the Electronic Balance Transfer Service Agreement. Plaintiff's personally identifying information has been redacted. Exhibit A was provided to me by HSBC in the course of this litigation, and was produced to Plaintiff on May 5, 2020.

3. Annexed hereto as **Exhibit B** is a true and correct copy of HSBC's Rules for Consumer Deposit Accounts, referenced in Plaintiff's Complaint, in effect as of the date the account was opened. Exhibit B was provided to me by HSBC in the course of this litigation, and was produced to Plaintiff on May 5, 2020.

4. Annexed hereto as **Exhibit C** is a true and correct copy of HSBC's Electronic Balance Transfer Service Agreement in effect as of the date the account was opened. Exhibit C was provided to me by HSBC in the course of this litigation, and was produced to Plaintiff on May 5, 2020.

5. Annexed hereto as **Exhibit D** is a true and correct copy of HSBC's Direct Savings Account Terms & Charges Disclosure in effect as of the date the account was opened. Exhibit D was provided to me by HSBC in the course of this litigation, and was produced to Plaintiff on May 5, 2020.

Dated: May 14, 2020

/s Mark S. Melodia
Mark S. Melodia